wherein:

X and Y are N or $N(R_3)$;

Z is $C(R_4)$;

new matter

R_1 is selected from a member of the group consisting of hydrogen, substituted methyl, substituted $C_{(5-9)}$alkyl, substituted or unsubstituted $C_{(5-9)}$alkenyl, substituted or unsubstituted $C_{(5-9)}$alkynyl, substituted or unsubstituted $C_{(5-9)}$hydroxyalkyl, substituted or unsubstituted $C_{(3-8)}$alkoxyl, or substituted or unsubstituted $C_{(5-9)}$alkoxyalkyl;

R_2 and R_3 are independently selected from a member of the group consisting of hydrogen, halo, oxo, $C_{(1-20)}$alkyl, $C_{(1-20)}$hydroxyalkyl, $C_{(1-20)}$thioalkyl, $C_{(1-20)}$alkylamino, $C_{(1-20)}$alkylaminoalkyl, $C_{(1-20)}$aminoalkyl, $C_{(1-20)}$aminoalkoxyalkenyl, $C_{(1-20)}$aminoalkoxyalkynyl, $C_{(1-20)}$diaminoalkyl, $C_{(1-20)}$triaminoalkyl, $C_{(2-20)}$tetraaminoalkyl, $C_{(5-15)}$aminotrialkoxyamino, $C_{(1-20)}$alkylamido, $C_{(1-20)}$alkylamidoalkyl, $C_{(1-20)}$amidoalkyl, $C_{(1-20)}$acetamidoalkyl, $C_{(1-20)}$alkenyl, $C_{(1-20)}$alkynyl, $C_{(3-8)}$alkoxyl, $C_{(1-11)}$alkoxyalkyl, and $C_{(1-20)}$dialkoxyalkyl;

R_4 is selected from a member of the group consisting of hydrogen, halo, oxo, $C_{(1-20)}$alkyl, $C_{(1-20)}$hydroxyalkyl, $C_{(1-20)}$thioalkyl, $C_{(1-20)}$alkylamino, dialkylamino, $C_{(1-20)}$alkylaminoalkyl, $C_{(1-20)}$aminoalkyl, $C_{(1-20)}$aminoalkoxyalkenyl, $C_{(1-20)}$aminoalkoxyalkynyl, $C_{(1-20)}$diaminoalkyl, $C_{(1-20)}$triaminoalkyl, $C_{(2-20)}$tetraaminoalkyl, $C_{(5-15)}$aminotrialkoxyamino, $C_{(1-20)}$alkylamido, $C_{(1-20)}$alkylamidoalkyl, $C_{(1-20)}$amidoalkyl, $C_{(1-20)}$acetamidoalkyl, $C_{(1-20)}$alkenyl, $C_{(1-20)}$alkynyl, $C_{(3-8)}$alkoxyl, $C_{(1-11)}$alkoxyalkyl, and $C_{(1-20)}$dialkoxyalkyl; and

— - — - represents a double or single bond;

with the proviso that R_1 is not an ω-1-hydroxyalkyl group having from 5 to 9 carbon atoms when R_3 is hydrogen or methyl and R_4 is hydrogen.

REMARKS

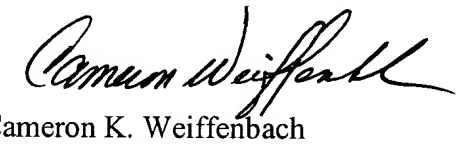
This supplemental amendment is submitted to amend claim 1. No new matter has been added. Claim 1 is being amended to overcome the disclosure of European Patent No. 0 389 282, which shows a xanthine derivative wherein in R_1 can be an alkyl having 1 to 12 carbon atoms.

See page 5, lines 44-46 of the patent. However, the patent nowhere discloses that the term "alkyl" includes substituted alkyls. Accordingly, claim 1 has been amended so that it does not read on the European patent.

Favorable consideration and prompt allowance of the pending claims are respectfully requested. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT, WILL & EMERY



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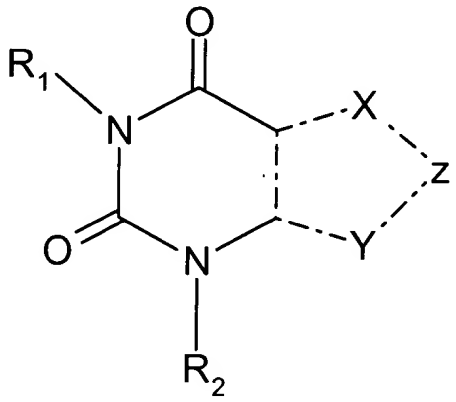
APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claim 1 as follows:

1. (Five Times Amended) A therapeutic compound, including resolved enantiomers, diastereomers, tautomers, salts and solvates thereof, having the following formula (I):



I

wherein:

X and Y are N or N(R_3);

Z is C(R_4);

R_1 is selected from a member of the group consisting of hydrogen, substituted methyl, substituted $C_{(5-9)}$alkyl, substituted or unsubstituted $C_{(5-9)}$alkenyl, substituted or unsubstituted $C_{(5-9)}$alkynyl, substituted or unsubstituted $C_{(5-9)}$hydroxyalkyl, substituted or unsubstituted $C_{(3-8)}$alkoxyl, or substituted or unsubstituted $C_{(5-9)}$alkoxyalkyl[, the R_1 being optionally substituted];

R_2 and R_3 are independently selected from a member of the group consisting of hydrogen, halo, oxo, $C_{(1-20)}$alkyl, $C_{(1-20)}$hydroxyalkyl, $C_{(1-20)}$thioalkyl, $C_{(1-20)}$alkylamino, $C_{(1-20)}$alkylaminoalkyl, $C_{(1-20)}$aminoalkyl, $C_{(1-20)}$aminoalkoxyalkenyl, $C_{(1-20)}$aminoalkoxyalkynyl, $C_{(1-20)}$diaminoalkyl, $C_{(1-20)}$triaminoalkyl, $C_{(2-20)}$tetraaminoalkyl, $C_{(5-15)}$aminotrialkoxyamino, $C_{(1-20)}$alkylamido, $C_{(1-20)}$alkylamidoalkyl, $C_{(1-20)}$amidoalkyl, $C_{(1-20)}$acetamidoalkyl, $C_{(1-20)}$alkenyl, $C_{(1-20)}$alkynyl, $C_{(3-8)}$alkoxyl, $C_{(1-11)}$alkoxyalkyl, and $C_{(1-20)}$dialkoxyalkyl;

R_4 is selected from a member of the group consisting of hydrogen, halo, oxo, $C_{(1-20)}$alkyl, $C_{(1-20)}$hydroxyalkyl, $C_{(1-20)}$thioalkyl, $C_{(1-20)}$alkylamino, dialkylamino, $C_{(1-20)}$alkylaminoalkyl, $C_{(1-20)}$aminoalkyl, $C_{(1-20)}$aminoalkoxyalkenyl, $C_{(1-20)}$aminoalkoxyalkynyl, $C_{(1-20)}$diaminoalkyl, $C_{(1-20)}$triaminoalkyl, $C_{(2-20)}$tetraaminoalkyl, $C_{(5-15)}$aminotrialkoxyamino, $C_{(1-20)}$alkylamido, $C_{(1-20)}$alkylamidoalkyl, $C_{(1-20)}$amidoalkyl, $C_{(1-20)}$acetamidoalkyl, $C_{(1-20)}$alkenyl, $C_{(1-20)}$alkynyl, $C_{(3-8)}$alkoxyl, $C_{(1-11)}$alkoxyalkyl, and $C_{(1-20)}$dialkoxyalkyl; and

— - — - represents a double or single bond;

with the proviso that R_1 is not an ω-1-hydroxyalkyl group having from 5 to 9 carbon atoms when R_3 is hydrogen or methyl and R_4 is hydrogen.